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Attorneys for Defendants,
RBS CITIZENS, N.A. and
CITIZENS FINANCIAL GROUP, INC.

(Additional counsel in signature block)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

| | | |
|------------------------|---|---------------------------------------|
| |) | Case No. |
| XIAOYAN TANG, |) | |
| |) | |
| Plaintiff, |) | (San Mateo County Case No. 17-CIV- |
| |) | 2787) |
| v. |) | |
| |) | |
| RBS CITIZENS, NATIONAL |) | DEFENDANTS' NOTICE |
| ASSOCIATION; CITIZENS |) | OF REMOVAL |
| FINANCIAL GROUP, INC.; |) | |
| and DOES 1-10, |) | [28 U.S.C. §§ 1332, 1441, 1446] |
| |) | |
| Defendants. |) | Compl. Filed: June 22, 2017 |
| |) | Amended Compl. Filed: August 11, 2017 |
| |) | |
| |) | |

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants RBS Citizens, N.A., and Citizens Financial Group, Inc., (collectively, “Defendants”), hereby remove to this Court the state court action described below. The grounds for removal are as follows:

1. On or about June 22, 2017, Plaintiff Xiaoyan Tang filed an action in the Superior Court of the State of California, County of San Mateo, entitled *Tang v. The Royal Bank of Scotland Group et al*, which was assigned Civil Action No. 17-CIV-02787(the “State Court Action”). (Declaration of Harold M. Brody in Support of Notice of Removal (“Brody Decl.”) ¶ 2, Ex. A.)
2. On or about August 11, 2017, Plaintiff Tang filed a First Amended Complaint in the State Court Action. (Brody Decl. ¶ 3.)
3. On or about August 14, 2017, Defendants were served with a copy of the Summons and Amended Complaint in the State Court Action by personal service. A Notice of Case Management Conference was also included. (Brody Decl. ¶ 4, Ex. B.) No other process, pleadings or orders have been received by or served on Defendants in the State Court Action.
4. This Notice of Removal is being filed within 30 days after Defendants received a copy of the Summons and Complaint in the State Court Action, and, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).
5. Venue is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division embracing the place where the State Court Action is pending.
6. By filing this Notice, Defendants do not waive any defenses that may be available to them, and Defendants reserve the right to amend or supplement this Notice.
7. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice will be served on Plaintiff and a copy of this Notice will be filed with the Clerk of the Superior Court of the State of California, County of San Mateo, promptly after the filing of this Notice with this Court.

JURISDICTION EXISTS UNDER 28 U.S.C. § 1332

The Parties are Diverse

8. There is complete diversity between the plaintiff and defendants because at the time of the filing of this action and this notice, plaintiff did/does not share a state of residence with any defendant.

9. According to the Amended Complaint, Plaintiff Tang resides in the County of San Mateo, California, and therefore is domiciled in California.
10. Defendant Citizens Financial Group, Inc., also misnamed in the Complaint as RBS Citizens, N.A., is a corporation organized under the laws of the State of Delaware with its principal place of business located in Providence, Rhode Island. Effective April 16, 2014, RBS Citizens, N.A. became Citizens Bank, N.A. Citizens Bank, N.A. is a subsidiary of Citizens Financial Group, Inc.
11. Plaintiff has also named as defendants "Does 1 through 10." Thus far, to Defendants' knowledge, none of the Doe defendants has been served with the Amended Complaint. Regardless, the citizenship of defendants sued under fictitious names is to be disregarded for the purposes of determining diversity and citizenship, per 28 U.S.C. § 1441(b)(1).

The Amount in Controversy Reasonably Exceeds \$75,000

12. For this Court to have subject matter jurisdiction based on diversity of citizenship, the amount in controversy must exceed the sum or value of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a).
13. In the State Court Action, Plaintiff seeks to recover damages substantially in excess of \$75,000, exclusive of interest and costs. Plaintiff alleges claims of sexual harassment, defamation, retaliation, lost income, lost benefits and emotional distress. Plaintiff raised nearly identical claims, arising from the same facts, in a case in the United States District Court for the District of Massachusetts. In that case, Plaintiff estimated her damages at \$13,965,347 and rising. Further, Plaintiff's potential back pay recovery is in excess of \$100,000. Thus, Plaintiff no doubt seeks to recover damages well in excess of \$75,000.
14. Plaintiffs' State Court Action is, therefore, an action of a civil nature between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and may be removed to this Court pursuant to the provisions of 28.U.S.C. §§ 1441(a) and 1446.

WHEREFORE, Defendants respectfully pray that this action proceed in this Court as a matter properly removed thereto.

Dated: September 12, 2017

Respectfully submitted,

/s/ Harold M. Brody
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2017, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system that will send notification of such filing to all attorneys of record.

Dated: September 12, 2017

Respectfully submitted,

/s/ Harold M. Brody

Harold M. Brody